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SUMMARY OF POLITICS.

LIBERTY OF THE PRESS.—The present article will conclude the Series, which I intended to write upon this subject.—The former articles will be found at pages 427, 449, 481, and 453.—The two last contain remarks upon the *particular* case of Messrs. HUNT. The two first relate to the Liberty of the Press *generally*, to which subject I now return.—At the close of the article, which began at page 449, I described the *Liberty of the Press*; I gave the reader my notion of *what it really was*; and I had before shewn *what it was not*.—But, in a sort of supplement to that article, I insert, in the present Number, a Letter to Lord Ellenborough, which I published two years ago, and which contains, as the reader will see, my reasons, more at large, upon this branch of the subject. It is there shown, even upon the principles laid down by this judge himself, in the case of Carr against Hood and Sharpe, that the *Liberty of the Press*, if it have any real existence, must mean the right of publishing, without risk to one's self, a *true* account of the *character, actions, and measures of all men employed in managing the affairs of the nation*.—This letter appears to me to embrace all the reasoning that can be offered upon the part of the subject to which it relates. No one has ever attempted to answer it; and my conviction is, that it is wholly *unanswerable*.—To that letter I have little to add; and should add nothing, did it not appear to me necessary to offer some remarks applicable to the opening of Mr. BROUGHAM's defence of Messrs. HUNT, in which that gentleman is, in the report, stated to have uttered a strong and sweeping censure upon the *present licentiousness of the press*. (See p. 507.)—This may not have been reported with perfect correctness; but, it is not likely, that it should be wholly unfounded. Indeed, that is almost impossible; but, at any rate, the speech is *in print*, it is gone forth to the public, and, therefore, whether the words really came from him or not, the observations deserve an answer.—He says, that "the licentiousness of the press has

"reached a height, which it certainly has
"not attained at any former period in this
"country, a licentiousness whereby every
"boundary is removed, and every obstacle overwhelmed."—Now, admitting this to be true, Mr. Brougham must excuse me, if I look upon it as the worst possible opening to a defence of the sort that he had to make. It was calculated to prepossess the minds of the jury against the press *in general*; it was calculated to give a *broad and general sanction to the proceedings of the Attorney General*, who failed not to avail himself of that sanction; and, it certainly was calculated to give the minds of the jury a bias against the defendants as belonging to a class *generally licentious*.—It may be said, that by his subsequent explanations, he discriminated between his clients and the licentious parts of the printers; but, if he once put them into the class; if he once succeeded in persuading the jury, that the press was *generally* thus monstrously licentious, he might well be expected to fail in establishing an *exception* in favour of his clients, and of the soundness of which exception he had no proof to produce. If he once succeeded, as his words clearly meant, in persuading the jury, that, at *this particular time*, licentiousness was got to such a monstrous height; that it was now arrived at a pitch higher than at any former period; that it had *passed all bounds, and was overwhelming every thing*; if he once succeeded in persuading them, that this was *generally* the case, was it likely that his after-explanations would get this impression out of their minds? No: and, it is my firm conviction, as it is, I believe, that of the public, that if the jury did not suffer their minds to be worked up to a verdict of guilty, the defendants had to thank the jury themselves much more than their advocate.—Supposing, therefore, the fact to have been *true*, it would, in Mr. BROUGHAM's situation, have been injudicious to state it.—But, it was *not true*; it was the reverse of the truth; for, an appeal to the publications of the day will prove, that the press never was *less licentious*; never was *more tame*; and, that it is impossible for it

to become more tame, to possess less spirit and boldness, to be a more insipid and cowardly thing than it is, unless it were subjected to a *previous licencer*. Let any man look back through the last century; let him view the publications in the reign of QUEEN ANNE, which was called the *Augustan Age of English literature*, and then say, whether we now possess as much of the liberty of the press as was possessed then. Let him only look at the writings of SWIFT and POPE and GAY, and consider what would have been the sentences which they would have received, had they written now. There was a man prosecuted, some few years ago, for a story about a *dunghill Cock*; what would GAY have said, if he had been prosecuted for his "*Ant in Office*." Talk of *licentiousness*, indeed! Look at Swift's *Legion Club*, and at scores more of his poems; and look at his *Drapier's Letters*. In short, look into almost any page of his writings. Look at Pope's satires, if you talk of *licentious* attacks upon private characters and public characters too. He begins one of them with saying that the *Solicitor of the Treasury* bribes witnesses, in cases of libel, with "*double pots and pay*." And, is it, while these works are extant, while we have these writings in all our houses, while we have these to look back to; is it that while we have all these before us, that we are to be told, that the press, the poor, tame, cowed-down press of the present day is more than ever *licentious*?—That there are very base creatures now-a-days, who live by blackening private characters I know as well as any body. I know, that such men deal in all manner of falsehoods. I know, that they are the very basest of mankind. I know, that as in the proved case of the DAY news-paper, some of the proprietors of the public prints are actuated by the basest of motives. But, it should be borne in mind, that the proprietors of the DAY news-paper are not men who follow printing and publishing as a *profession*; that they are, in fact, men who have engaged in the thing upon the avowal of its being an article of *trade*; that they have, indeed, proclaimed an hostility to the Daily Press in general; and that the publication, instead of being a *fair specimen* of the Daily Press, is an instance of *its opposite*.—Mr. BROUGHAM, therefore, if he must have his philippic against the *licentiousness* of the press, in order to follow the example of almost all other lawyers, from the time of NOY

and the STAR-CHAMBER downwards; if he must have this, he should have gone into a very full and clear explanation of his meaning, and not have suffered any part of his accusation to lie upon *the press in general*.—This word *licentiousness* is a very convenient word. It is a word that allows of *twisting* and *stretching*. It may be applied to any thing. It will always afford a dispute as to its application. Therefore it is, that it is such a favourite with lawyers;—There is, they tell us, a boundary mark between the *liberty* and the *licentiousness* of the press. But, do they enable us to *see this mark*? Have they ever pointed it out? No, and they take special care not to do it.—The natural boundary is *truth*. This is a boundary that we *all* know well. We all know how to distinguish between *truth* and *falsehood*; but, as to where liberty ends and *licentiousness* begins, who is able to determine that? Let all *falsehoods* be punished according to the magnitude of the injury that they do, or are calculated to do; let the publisher or the writer of falsehood be called a *libeller*; and let him be punished if he cannot *prove the truth* of what he writes and publishes.—Is not this enough? What can be wanted more for the protection of *innocence*? More may be wanted for the protection of *guilt*, indeed; but, surely, nothing more can be wanted for the protection of *innocence*.—And, as to the government, what a thing it is to say, or to act as if you said, that the government *stands in need* of a law to punish men for publishing *truths*! What a thing this is to say! To say that the publishing of *truths* endangers the safety of the government, is, it appears to me, the strongest censure that human wit could devise upon that government. What must any man of common sense think of a system of government that cannot withstand the publication of *truth* respecting it? What would you think of any private person who should be described to you thus: "he is a man, who will enjoy a fair reputation in the world, and who will do very well, until the *truth* be spoken of him; but, the moment the *truth* is spoken of him, he is ruined for ever?" What would you think of a man thus described to you? Would you choose such a man for a friend? Nay, would you not shun him as you would shun a leper? What then, I again ask, can be more injurious to the character of any government, than to say, that men shall not be permitted to speak and write

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about it what they can *prove to be true*?

—Nay; what do we actually say about the government of the Emperor of France? Do we not say, that his restraints upon the press proceed from the fear of the press, and that, too, because *his government is bad*? Yet, what does he do more, what can he do more, what can he possibly *wish* to do more, than to prevent the *truth* from being published about the badness of his government?—I should like to see this question receive a distinct answer, because this is the pincher. This puts the thing to the test. It is useless to burst out in railing against him; because, whatever he may deserve in that way, it does not alter the state of the question. He may be inspired by the devil, and may be the very devil himself; but, with the press, what can he want to do *more* than prevent the publication of *truth*? This is the question. Until it be answered all the railing will, with men of sense, pass for nothing; and those who use it, may, as the vulgar saying is, keep their breath to cool their porridge, for not the smallest effect will it produce in their favour.—There is another view of this matter, which, though I have, somewhere, taken it before, I cannot, upon this occasion, refrain from taking again. I allude to the comparison between the state of *no press at all* and a press *not free to publish the truth*; and I have no hesitation in saying that the former is greatly to be preferred; because, in that case, the public would judge and act wholly from *their own observations and experience*, whereas in the latter, the press gives them a *false guide*, which is always worse than *no guide at all*.—Suppose the news-paper reporters were prohibited from giving the speeches of those members who opposed the ministers, or were obliged to leave out all the parts of their speeches likely to have weight against the ministers; could such reports do the public any good; nay, must they not do a great deal of mischief; would they not be much worse than *no reports at all*; and would they not have a natural tendency to destroy every vestige of what we call freedom? Suppose, upon a trial, the advocate for the Crown only was to be at liberty to say what he pleased, and that the defendant's counsel were to speak in a muzzle and be liable to be prosecuted for what he said, and to be fined, jailed, and ruined in health as well as in fortune if he spoke any thing to displease the Crown Lawyers.

Would it not, in such case, be much better that there should be *no pleading at all*; would not the defendant stand a better chance by merely having the information or indictment put into the hands of the jury and having a hearing of the evidence?

—And, if these questions be answered in the affirmative, is it not manifest, that a press *not free to utter the truth* is beyond all comparison *worse than no press at all*? Such a press is, indeed, calculated to injure the cause of truth and of freedom more than can scarcely be imagined. It is an instrument the most powerful for depriving men of their freedom and their happiness. It is, and it always must be, a curse the most severe that mankind can possibly endure.—To call such a press *free*, to say that such a press has *liberty*, is an insult to common sense; it is an affront to human nature itself.—The use of the press, that is to say, the *art of printing*, has not been known above 300 years, I believe. Now, it would be too much to say, that freedom, that political liberty, was not known before that time; for it is very notorious, that men were very free in Greece, in Rome, in Germany, and in England too, long before printing was ever thought of, and much freer in Germany than they ever have been since; and, as to England, we know well what noble struggles were made for freedom, long before the press was thought of, and how just were the laws.—Men then judged more from their *own observation* and from *experience*; from what they themselves *saw* and what they *felt*. They took less upon trust. Knowledge, in certain respects, was *slower*, but it was *surer*. And, indeed, men were as free as ever they have been since, if not more so; as most clearly appears from the whole tenor of our laws, which, be it observed, as far as they are most excellent, existed long before the press was heard of. It is true, that there are many advantages attending the press. It disseminates knowledge rapidly, and, as *truth*, if it has a *free course*, will always triumph over falshood, the dissemination of falshood as well as truth is no argument against it; but, if it be cramped; if power is to be exercised to restrain it on one side and not on the other; if it be not free as far as truth goes; if it may do what it pleases, so that it keep clear of the rich and the powerful, and if, as to them, it be restrained; if this be the state of it, a more mischievous, a more hateful, a more detestable thing never existed in the

world, for it is fraught with mischiefs and oppressions, and insults of every sort, and that, too, under the guise of the fairest gem of freedom.—To take a somewhat closer view of the effects of such a press as this, suppose there to exist, in the capacity of a minister of state, a man of the most cruel and cold-blooded stamp, a known corrupter and briber, a double-handed knave, a wretch endowed with all the qualities fitted to the complete villain, and who would, rather than forego his purpose, flog one half of the nation 'till they cut the throats of the other half. It is shocking to suppose the existence of so execrable a monster; but, suppose such a monster to exist, and suppose him to have become, by some means or other, a minister of state. Would you call the press free if it were not permitted to expose this monster; to put his deeds upon paper; to exhibit him, by name, in his true colours? And, if a part of the press was so base as to attempt to justify him; nay, to praise him; and the other part were not at liberty to answer and expose the falsehoods of such attempts; would you still call it free? I think not. I think there cannot be upon earth any man so infamously vile as to pretend that such a press would be worthy of being called free?—No: unless there be a free course for truth; unless this be the boundary, the press is not free, say of it what you will.—Such a press as I have been describing is, beyond all comparison, worse than no press at all, and even worse than a press under a licenser; because, in the latter case, it is notorious that there is a licenser; it is matter of notoriety, that the press puts forth only that which is first approved of by the government. This is well known, and the people, knowing this, pay little attention to what is said by the press, if, indeed, they ever see it; and, about seeing it, they will not, of course, be very solicitous. But, in the case of a press such as I have described, the people are deceived. If they see not contradicted the praises of monsters such as the above supposed minister, they believe that these praises cannot be contradicted; and thus they may, and naturally will, be induced to give their countenance and support to what is most injurious to them and their country; and thus it is that such a press may assist all the designs of the most fell tyranny that ever country was cursed with.—Such are my reasons for believing, that truth and truth alone ought to be

the test of all publications; that, if the writer or publisher can prove the truth of what he says, he ought to be regarded as not guilty of any offence against the law in writing or publishing it; and, if he fail in that proof, he ought (if his writing be injurious to any body, or has a clearly injurious tendency) to be regarded as guilty of an offence against the law. And, as to mere opinions, they never ought to be deemed a crime; for, if unsupported by good reasons, they pass for nothing, they can produce no effect; and, if supported by good reasons, they ought to pass for something, they ought to produce effect, and it is meritorious to publish them.—I now come to the last point, on which it was my intention to speak relative to the liberty of the press, namely, *what must naturally be the consequence of all attempts to stifle the liberty of the press*; by which I mean, you will observe, the impartial use of the press, the right to publish the truth about every thing and every body, and especially about the character and conduct of public men, that is to say, all men in public stations, whether in the state, the legislature, the army, the navy, the law, or the church.—There is no man living, who has not, at some time or other, experienced the pain arising from being compelled to refrain from speaking the truth. It is what no man easily forgives: "I kept silence," says St. Paul, "even from speaking good words, though it was pain and grief to me." This is a sort of pain and grief, which the restrained person very seldom fails to remember; and, accordingly we see, that the stifling of the freedom of the press has never succeeded for any length of time in this country. The Stuarts tried it pretty well, and they finally had their reward in their expulsion from the throne. Of all the detestable deeds of Charles the First's Attorney General, NOY, none were so much resented by the people as his persecutions of the press. Ship-money was the invention of this fellow; and though that, through the virtuous resistance of HAMPDEN, became the match that set fire to the pile, the combustible materials consisted in great part of the persecutions of the press, especially in the persons of PRYNN, BASTWICK, and BURTON, who were, by the corrupt and cruel tyrants of the Court of Star Chamber, sentenced to heavy fines, cruel tortures, and imprisonment in distant jails. These men were brought from their distant imprisonment by a vote of the Commons' House of Parliament, and

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came to London surrounded by thousands of people, who conducted them from town to town, loaded with kindness, presents, and blessings. And those who had sent them away had the mortification to see them enter London and be conducted along streets literally strewed with flowers, the people bearing branches and garlands in their hands.—Such were the people of England in those days; and where is the man of a right mind, who does not, on *this account*, feel proud at being descended from them?—Not long after this, *their judges became the objects of punishment*; and LAUD, the Archbishop, who had been one of the most inexorable of the Star Chamber gang, was committed to the Tower, on an impeachment by the House of Commons. There he lay for three years, till people, in the heat of the contest with the king, which was then begun, seemed to have forgotten him; but, PRYNN was now become a member of parliament; and, was it any wonder that *he did not forget him*? LAUD had sentenced him to pay 10,000 pounds in a fine to *the king*; to have his ears cut off close to his head; to have S. L. (Seditious Libeller) burnt in each cheek; and to be imprisoned for life without pen, ink, or paper, and without any friend ever being suffered to see him; and yet this same tyrant, when he himself was, at last, brought to trial, made a sentimental complaint about the *malice* and the *rudeness* of Mr. PRYNN! He was, however, put to death: a sentence much more humane than that which he passed upon Mr. PRYNN and his associates.—The attempt of the Star Chamber to stifle the liberty of the press not only *failed*, but it brought destruction upon the heads of those who made it; and, after various struggles, similar attempts drove out the family of Stuart for ever to become exiles in foreign lands, being unworthy to live in this.—And what could be more natural? The people, who were right-minded, must necessarily hate them. To murder them by inches for publishing *truth* was what they could not be expected to bear; and, BURTON, I think it was, told LAUD, upon the trial of the former, to consider well that it might come to *his turn* to be tried. Nothing short of what Laud received had he to expect from their hands, if ever he fell into them.—But, nothing is so *blind as mere power*. It never looks an inch before its nose; and the greater it is the more short-sighted it is. It never calculates upon any accidents. Its pride and

insolence only does it listen to. It is dead to all feelings, either of justice or compassion.—To stifle the liberty of the press is next to impossible; and, if it could be done, what would be the consequence? A *military despotism*, or the *subjugation of the country*. There is no middle. It must be one or the other of these two; and, if you have not the means of maintaining the former, the latter must come, if an extinguishment of the liberty of the press were to take place.—Napoleon has smothered the liberty of the press; but, then, he has the means of maintaining a military despotism; and, as long as he can maintain that, he will do what he pleases. He is, besides, in no fear or danger from without. He stands in no need of the love and zeal and valour of the mass of the people. He has no occasion to cry "*wolf*;" for his country is in no danger of an attack from any enemy. But, if he were in danger of an attack from any enemy from without, he must give up his system against the press, or he must yield up the country; for, the people would not be able to see in that enemy any thing more oppressive than in him; and, when he called upon them to *defend their coasts*, they would naturally say: "*Why? You have taken from us all our liberty, all the safety to our persons and our property, the last of which we hold only in name; you have denied us even the liberty of complaining of the treatment we receive; and what more can the enemy do? Why, then, to the loss of property and liberty, should we add the manifest risk of the loss of life?*" —No description of men, no sect, no party, were ever yet extinguished by persecution; nor was the effect of any doctrine or opinion ever lessened by such means. Even error, glaring absurdity, gains strength by this species of attack. What must, then, be the consequence, if such an attack be made upon *truth*? There is something in hostility to the best feelings of man to tell him that it is *criminal* to say the truth. It may be often very malicious to say all that you know to be true of persons in a private station; often very wicked, morally speaking; but, to tell a man that he becomes a *criminal*, a *malefactor*, for saying no more than what is *true*, is what no man of right sentiments can bear with patience.—Here I conclude this series of articles upon the Liberty of the Press, begging leave to repeat my request, that the reader will go

through, with attention, the Letter, before mentioned, which will be found at the end of this Summary.

AMERICAN STATES.—The dispute with America seems to be brought to a close, or nearly so, and appearances would indicate, that an *open rupture* will be the consequence.—I do not believe that an open rupture will take place, at least, I do not believe, that it will end in a *war*. But, in the meanwhile, it is proper to see the grounds of the dispute in the right light, and to endeavour to form a correct opinion as to its consequences.—In the last Volume of the Register, I not only gave a clear and concise history of the dispute; but, I subjoined all the official documents, of any importance, relating to it.—To that Volume, at page 1185 and onwards, I must refer the reader for full information upon the subject; and, the historical part of the article containing references to the documents in support of the several statements, there can remain no doubt as to the accuracy of the whole.—The article, here referred to, was published on the 5th of December last, at which time, I could not, of course, know what was then passing and had just passed in America.—By a reference to page 1215, it will be seen, that the last of the documents, then in our possession, came down to the 2nd of November. They consisted, as will be seen, of a Proclamation of the President, Mr. MADISON, and of a Circular Letter of the Secretary of the Treasury, dated on the 2nd of November. Since that time there have been published several important documents relating to the subject; but, as I wish to *keep them together*, and as I have not room for the whole of them in this Number, I shall insert them in my next, contenting myself here with some general remarks on the subject.—It clearly appears, that the American government is resolved not to permit any intercourse with us, unless we annul our Orders in Council and revoke our system of Paper Blockade. This our ministers seem resolved not to do; and, were not things in a *wrong shape*, I should commend them for their resolution. If they stood upon the manly ground of *maritime sovereignty*, I should say that they did well; but, even then, as I said in the article above referred to, they seem bound, in consequence of their promises, to do away what the Americans complain of, if the French have repealed their Ber-

lin and Milan Decrees, and this they have, I believe, done.—The question of *right*, however, no one can settle, in the case of nations. It is all matter of *expediency*; and we have only to enquire, whether it be or be not expedient for the Americans to break with us upon this ground.—I am of opinion that it is. The persons who are now, and, for some years, have been, at the head of affairs in America, are all hostile to *foreign connections*, and particularly connections with England, which they regard as dangerous to the liberties of America. They have seen what Banks and East India Companies and Meetings of Merchants and Bankers have produced in England; and they seem to have resolved, that the same shall not happen in their country.—The stoppage of intercourse, which took place two years ago, produced a wonderful effect in America. It turned numbers, and very great numbers, of those who were before employed in raising corn and making flour and breeding cattle for *exportation*; it turned great numbers of these into *manufacturers*; and this was the more easy from a peculiarity in the American population, namely, that of a considerable portion of the people being manufacturers, who have emigrated from different parts of this kingdom, and especially from Ireland, and who, until of late, have been, in America, employed, for the far greater part, in agriculture.—When, therefore, there was no longer any out-let for the super-abundance of the soil, they fell to work to making woollen and linen and cotton cloth, and, indeed, all those things which were imported from England; and, the progress made in manufactures is truly astonishing.—The soil and climate of America admits of changes more rapid than in this or any country of Europe; and, the people being unburdened with taxes, and, of course, with paupers; every family having a plenty for present spending, and most families some little matter before hand, a change from one occupation to another, a short stagnation of trade, is of little consequence to the mass of the people; and, of course, the government feels little inconvenience from such stagnation.—Only ten years ago, no man dreamt of seeing cloth for his coat made in America. Now, they make as good cloth there as we can here, or, at least, so nearly to it, that the difference is of no sort of consequence.—Lands that were a wilderness when I

was in that country are now not only settled, but have considerable *manufactories* established in them. The following statement, which I copy from the BALTIMORE EVENING POST of the 20th Dec. 1810, will enable the reader to form some idea of the progress that manufactures are making. He will observe, that these are, all but the first settlements, quite *recently formed*. The land was covered with woods only about 12 or 15 years ago. One of them, is, he will perceive, in KENTUCKY; and when he has well considered this statement, he will want little more to enable him to say when the manufactures of England will cease to be wanted in America.

"Ulster county, N. Y. contains 26,576 Inhabitants—who during the last year made 349,329 yards of cloth!—The increase of inhabitants in Ulster and Sullivan counties (the latter lately taken from the former) since the last census, appears to be 7,831.

Total in 1810.....32,084

Do. 1800.....24,853

7,831

"Genessee county has 12,657 inhabitants: ten years since it was almost a wilderness; who during the present year manufactured

29,767 yds. woollen cloth

86,690 do linen do

2,427 do cotton do

10,500 lbs leather

7,700 gals whiskey

1,400 bush. salt

187 tons potash

"Jefferson county has 15,136 inhabitants—who last year, manufactured about 64,000 yards of cloth, 51,000 of which were woollen; they have 20,505 sheep.

"Nelson county, Kentucky, has 14,683 inhabitants—who last year, manufactured

190,880 yds. of cloth

76,370 lbs sugar

200,000 do hemp.

160,050 gals whiskey

125,000 lbs spun-yarn

1,000 gals linseed oil

28,000 lbs cut nails

2,000 do powder

4,550 hides."

It is not in the nature of things that such a country should remain *dependant* upon this, or any other, for its wearing apparel or household furniture.—Compare the number of yards of cloth with the number of persons, and you will soon see what the

country is capable of, and what it is actually doing.—It is, as I before observed, a favourite object with Mr. MADDISON and with all those who have much influence in America, to render their country independent of this and all other countries; but, especially to *wean* it off from *this* country, whence they have most reason to apprehend those mischiefs which they are anxious to prevent. External commerce has never been a favourite with them; and if they quarrel about it with other nations it is merely for the purpose of getting plausible grounds for shutting it out. So that our ministers appear to me to be doing precisely the thing that the American Government most earnestly wishes for; and, I shall be very much deceived indeed, if we do not find the latter so manage the dispute in future as to prevent the commercial intercourse from being renewed at *any future period*. The suspensions of it before have prepared the way gradually for a complete and perpetual putting an end to it; and, as if nothing was to be left undone in the work, the "*deliverance of Europe*" by the Pitt School has thrown a fair share of the flocks of Spain into the hands of the Americans, and the same work of "*deliverance*" has, for 18 years, been sending manufacturers to make the wool into cloth. To American commerce, therefore, now bid adieu, I think for ever; and, very glad shall I be of it, being fully convinced, that the change will be *beneficial to both countries*; being fully convinced, that to external commerce we owe no small part of the evils we endure; and that external commerce is not at all necessary either to the independence or the happiness of England. Indeed, I am fully convinced, that the *exact contrary* is the case, and that it is to this species of commerce, that the country now owes the far greater part of its dangers and its miseries. How many millions has this commerce cost us in fleets, in armies, in convoys, in all the long lists of contractors and jobbers belonging to them, and all growing out of this external commerce! How many millions have the East India Company cost us! How many millions have been lent to sustain this commerce; what ruin, what misery, what millions of mischiefs has this commerce brought upon us! What a hold does it now give our great enemy; and how it enables him to annoy us!—I am aware, that, in the destruction of external commerce will be included the ruin of many

worthy individuals; but, though I feel for them, I must feel more for my country.—I shall continue this subject in my next, particularly as to the documents lately published, relative to the dispute with America.

WM. COBBETT.

State Prison, Newgate, Tuesday,
March 5, 1811.

A LETTER TO LORD ELLENBOROUGH,
Chief Justice of the Court of King's Bench,
upon the subject of his Charge in the *Libel Case*, SIR JOHN CARR against HOOD and SHARPE.

"We must allow a latitude to the free discussion of the merits and demerits of authors and their works; otherwise we may talk, indeed, of the liberty of the press, but there will be in reality an end of it."—Report of LORD ELLENBOROUGH'S Charge.

MY LORD;—Either that *liberty*, of which we have boasted, and do boast so much, is a mere sound; either the whole thing is a specious and delusive fraud, or the result of the Action, recently tried before you in the case of Carr against Hood and Sharpe, is not only of greater importance to the nation than the recent victories over the French, in Portugal, but of greater importance than would be a series of victories, by which Buonaparté should be overthrown. For, what do we promise ourselves, as the fruit of such victories? Why, the secure enjoyment of our lives and property; security from that oppression, which we should, in all probability, experience at his hands. This, after all, is the *sole end* of all our sacrifices and of the dangers and sufferings of our countrymen who are in arms. There is no other rational purpose that we can have in view. This being the case, I am pretty confident that the public when they duly reflect upon the matter will be convinced, that, on the 25th of July last, a greater victory was gained for England under you, than has been gained, by land or sea, for many years past.

The doctrines laid down by you, upon this memorable occasion, seem, indeed, to have been restricted as to their application. They seem to have been rather carefully confined to "*authors and their works*;" but, in pursuance of the purpose for which alone I now address you, I shall, I think, succeed in convincing you, that this restriction cannot subsist, consistently with reason. I have below, given an abridg-

ment of the Report of the Trial,* in which I have retained *all* that was said by you; but, that we may have the matter fairly before us, I will here shortly state the substance of your doctrines, supposing what you said to have been correctly reported.

The first of these words I have taken for my motto. The next time you speak, you say, that we must really not cramp observations upon authors and their works; that they should be liable to exposure, to criticism, and even to ridicule, if their works be ridiculous; that, otherwise, the first who writes a book upon any subject, will maintain a monopoly of sentiment upon it; that thus vice and error will be perpetuated, and so we should go on to the end of time; and that you cannot conceive that an action is maintainable on such ground. Upon Mr. Garrow's observing, that, though an author's book might be ridiculed, the critics had no right to endeavour to destroy him altogether as an author, you said, that you did not know that; that, (speaking in the interrogative form) suppose a man published a book injurious to public morals, of infinite mischief to the public taste, containing *bad maxims of government*, or any thing else that *ought to be decried*, are we not at liberty to *expose that work*? Aye, and expose the author of it too, as far as he is connected with the work, and that in the most pointed language of wit, humour, or ridicule; that a critic, in such case, conferred a benefit on the public; that the destruction of the author's reputation was nothing; that it was a reputation which ought to be destroyed; that it was idle to talk of the liberty of the press, if one man might not write freely upon the work of another; that, if there had been an attack upon the moral character of the author, or any attack on his character *unconnected with his work*, the law would have afforded him protection. Upon Mr. Garrow's saying, that the defendants had not destroyed Carr's reputation *fairly*, you said that *he* must show that it was *not fairly* done; and upon his replying that the *caricature* was a proof of unfairness, you bade him go on with his case.—In your charge, after having repeated your sentiments respecting the public utility of writing down bad books, you said, that this, however, was applicable to *fair and candid* criticism; that, as to the loss sustained by an author from

* See Vol. XIV. p. 432.

such a cause, it was what you in the law, called *damnum absque injuriâ*, loss which the law does not consider as an injury, because it is a loss which he ought to sustain, a loss of fame and profits to which he was never entitled; that, if it were otherwise, you did not know where we were to stop; that you knew of nothing that more threatened the liberty of the press, in the days in which we live, than to give encouragement to this species of action; that, however, you wished not to be misunderstood, for that, if there had been any thing in the criticism, of a libellous tendency, wholly foreign to the work, or unconnected with the author of it, as embodied in it, the action was maintainable; that neither yourself nor the jury had ever appeared before the world in the character of an author, or at least you never had; that, if you had, you should not think yourself entitled to maintain an action against any body else, who ridiculed your work, and proved it to be ridiculous; that, in fine, if the jury thought, that the criticism was upon the work, and upon the author as connected with the work, and not written by way of calumny upon him as an individual, you were of opinion that the action was not maintainable; that if, on the contrary, they should be of opinion that the criticism was written against the author, as a man, and unconnected with his work, then you thought the action was maintainable.—After the verdict was given, you thought it necessary to caution the audience against a misunderstanding of what had passed. “I hope nobody will understand from the result of this trial, that there is the least countenance given to slander, or to ridicule any author, any more than any other individual, unless such ridicule be connected with his works, and the author is embodied with his work; for courts of justice are as tender of the moral characters of all men, whether they be authors or not, as they are firm in the maintenance of the right of every individual, to give a free opinion, on every publication of a literary work.”

It is into the reasonableness of these reservations and restrictions, that I now propose to enquire. FIRST, as to the qualifications of the word “criticism.” You would have it to be fair, and, in one place, it would seem, that you insist upon its being candid as well as fair. I always thought, that the words were synonymous; but, whatever be their meaning, they express that quality which you hold to be

necessary, in order to justify the criticism, though the author be embodied in his work. But, be this quality what it may, who is to tell us whether it exist or not? Evidence can be given as to truth or falsehood; as to the obedience or disobedience of any law; as to the performance or breach of any well known moral duty; as to any thing in short, that is clearly defined and settled. About what is fair who can say that any thing has been settled? Where is the standard whereby we are to judge of fairness? It is evident that there can be no such standard, and that the point must always turn upon mere opinion. What would this question of fairness come under, then, the law or the fact of the case? Who would settle the point, the judge or the jury? “One of the jury” upon this trial appeared to have a great desire to shew himself learned in the law; but, it will hardly be contended, that juries, or that courts of justice, can be, or ought to be, made into supervisors of the taste of the press. A judge in America added the quality “decent,” as essential to publications to be tolerated. Who was to be the judge of the decency? There is a maxim, which says, “miserable are those who are subjected to laws of uncertain operation.” Indeed where the operation is not uniform, and where the principle is not clearly laid down and well known, it is an abuse of words to call the thing law, which always implies something whereby a man’s duties or rights are defined. About this reservation, however, I think we need not be very uneasy, as the result of the trial, together with your opinions, decidedly in favour of the result, enables us to proceed to the length of imputing to a man (no, not a man, an author) all sorts of folly; to exhibit him as a fool, a lunatic and a vagabond in point of property; and lest our pages of letter-press should fail, to call in the distorting aid of the pencil to effect our purpose. This has been deemed fair criticism; and, therefore, it will, I imagine, be very difficult for us to make use of any, that can, without departing from the principles, upon which this case was decided, be deemed unfair.

But, the person ridiculed must, it would seem from this report of your language, be not only an author of a written and published work, but, he must also embody himself in the work. What is meant by this embodying work I do not very clearly

perceive. In other places it is said, that he is to be ridiculed no farther than he appears *in connection* with his work; and that, unconnected with his work, he is to be treated with all the tenderness which the law takes care to provide for the individual. But, who is to settle these nice points of connection and incorporation? How am I to know what is meant by this connecting and embodying? Suppose I were to take up a book written for the purpose of persuading me, that I am very wrong indeed in objecting to the ministry of the day; suppose this work has for its author some man who lives upon the taxes and whose wife lives upon them too; suppose the whole family to be chin-deep in sinecures and reversions; must I not speak of these; must I not expose the author's motives for his work; must I not, if my pen fail me, call in the aid of the pencil to exhibit this author in the act of picking John Bull's pocket with one hand while he holds up, in the shape of a pair of winkers, his book in the other hand; must I not hang a label marked *plunder*, out of his pocket; and must I not put his wife and children in the character of sturdy paupers, jeering those from whom they receive their daily bread? Assuredly I ought to do all this; and yet this author might so write his book as not to *embody* himself with it, in any shape whatever; and I might be told, perhaps, that his places and pensions had nothing at all to do with the merits or demerits of the ministry; that I had gone into a subject foreign to the book; and that, therefore, I ought to be punished as a libeller; whereas it would appear to me quite necessary to go into these matters in order to shew the *motive* of the author, and that for the purpose of preventing his book from doing public mischief.—It is not at all necessary for an author to *connect* himself with his book. He need not write in the form of such connection. He may, like the news-paper people and the reviewers, write in the style royal, and call himself WE; or, he may write in the impersonal altogether. There are very few instances, in which an author can be said to embody himself in his work. It can, indeed, only be when he relates his own adventures, or gives an account of transactions, in which he has personally borne a part. And *why*, I beg leave to ask, should this particular description of authors be exposed to ridicule more than any other description? Why is it so very necessary to expose their

folly and destroy their reputation? Of what particular harm is their success? In what way is it intitled to any extraordinary quantity of legal reprobation? Why should these fools be outlawed any more than the rest? You may see a very sufficient reason for the distinction; but, I confess that I can see no reason at all for it. Every man, who writes and publishes, challenges the criticisms of the world. The very act of writing the book embodies him with it. It is his act. It belongs to him. It is the picture of his mind. It is a part of himself. The critic has a right to take the man and the book together, and to criticise them, and, if he pleases, ridicule, or endeavour to ridicule them both. If he has not this right, he has no right at all; he is never safe; and he had better lay aside his pen. If he himself be foolish in his criticism; if he be unfair or malignant, why, the world, who will soon perceive it, will not fail to punish him in the only suitable manner. There was a still further qualification, too; not only must the man have published his acts, or his work; but, he must have embodied himself with the work, and the work must be *ridiculous*. All this must be seen to exist before the ridicule could be justified. But here again we have our old difficulty; *who* is to determine, whether the work be ridiculous or not? The jury are to judge of the alleged offence under the direction of the judge; but, it will not be pretended that this is a tribunal, wherein to try the merits or demerits of a literary work. What, then, becomes of this qualification? The critic will say, that the work is ridiculous; the author will say that it is not; even the public may be divided upon the point; and who in all the world is to settle it? You say, and very truly, that it is of great public utility to expose ridiculous works, and to destroy the reputation of their authors; but, if I should be engaged in an act of great public utility of this sort, how should I fare if you and the jury should happen to think that *not ridiculous*; which I took for ridiculous? How am I to know that you will be of my opinion? And must I not, then, be continually in a state of uncertainty; and must not a press, thus shackled, be infinitely worse than no press at all? The fool or rogue runs no risk, either in his writings or publishings; while his critic is never safe for a moment. Sir John Carr saw this, and, therefore, he thought to terrify his critic into silence. You have now set your face against this

species of action ; and, it was high time, for if it had succeeded even the most stupid part of the people would have laughed at the talk of "*the liberty of the press.*" That talk would not have deceived any creature capable of counting its fingers.

The most important restriction, however, relates to the quality, or, rather, the *profession*, of the person censured, or ridiculed. Sir John Carr had evidently conceived, that the *feelings* of an *author* were no more to be hurt with impunity than the feelings of any other sort of man ; and, as he had heard, that it was a libel to *hurt the feelings* of any person, by the means of the press, he expected, of course, to hear you reprobate the conduct of his critics. It was quite just and reasonable, to be sure that he should be told, that his work was liable to ridicule ; that the ridicule naturally grew out of the demonstrations of his own want of talent ; that if it were forbidden to ridicule such a work and such an author, great public mischief would therefrom arise, and that the liberty of the press would be a farce too contemptible to be borne. All this was very right ; but, he had heard it laid down, that *the line of interdiction began when the feelings of any person were hurt.* No matter *who* or *what* he was. No matter what his actions or his character. He had heard of no restrictions, reservations, or qualifications ; he had been told ; he had heard it laid down as a maxim of law ; he had heard it so laid down in a charge to a jury ; he had seen a verdict of *guilty* given upon the principle ; and that principle, without any qualification, was, that *no person* had a right to use the press for the purpose of turning into ridicule either the *talents* or the *person* of *any one* ; and that, wherever a publication wounded the feelings of *any person*, there the line of interdiction began. He had heard of no exception with respect to authors and their works. He had proof that both his talents and his person had been turned into ridicule. He had proof, that, in a picture as well as in words, he had been exhibited to the public as a man of most despicable talents, as a frothy fool, as a lunatic at large, as a sort of literary vagabond. He had clear proof of all this ; he had proof besides, that he had, from this attack, sustained a special damage to a considerable amount ; and it was quite impossible for any one not to be convinced, that his feelings had, by the alledged libel, been severely wounded. Well, then, as he had heard it laid down as a maxim of

law and justice, that it was a crime to ridicule the talents or wound the feelings of any person, why should not he bring his action *as well as another* ?

Why, for the reasons stated by you. Most excellent reasons you have given us, why his action should not be maintainable ; but none at all, that I can discover, why the complaints of persons, *not authors*, should be any more attended to than his. None, that I can discover, why the act of book-writing should be more exposed to criticism than any other of the acts of men ; none ; no, none at all, why authors should not have feelings as well as other people ; nor any reason whatever why the talents of others should not be exposed to ridicule as well as the talents of authors. It is necessary as you well observed, to expose and destroy a silly or wicked book, and the reputation of its author along with it, because such books do great public mischief, and because if not put down by exposure, they would continue to do mischief to the end of time. But, there are *good* books as well as bad ones ; there are authors whose works do good instead of mischief ; and, therefore I can see no reason whatever why the act of book-writing should be more exposed to public censure and ridicule than any *other act of man*.

You were so good as to signify that *the liberty of the press* was something very valuable to this nation. Not in direct terms, indeed, but by implication you certainly did say this. Now may I take the liberty of asking you *in what way* you think it can operate to the advantage of this nation ? In the way of *praise* ; in bedawbing all the rich rogues and fools of the time with praise as well as all the wise and virtuous men ? Hardly this. In confining its praises to the wise and the good ? This would be very laudable, and might be of some little use : but, then, the word *liberty* would be without a meaning ; for the devil is in it if we need ask for leave to praise any one, particularly if he be in a public capacity, or in any capacity, which must make him desirous of possessing the good opinion of the world. If you mean, as I think you must, that the *liberty* of the press is valuable, as the means of detecting and exposing vice and folly ; then give me leave to say, that it cannot, consistently, I will not say with *reason* but it cannot consistently with *common sense*, with bare common sense, be restricted to authors and their writings ; for what would the thing

then amount to but this: a *liberty* possessed by the press of combatting *its own* vices and follies, and of doing nothing more? Such a press would be totally unworthy of praise, or of protection of any sort. To speak of such "*liberty*" as a valuable thing; to make it a matter of boast; to hold it up as one of the means of preventing the people from being enslaved, would be an instance of absurdity surpassing any of those pointed at in the works of sir John Carr. Why, this is a sort of liberty, that the Emperor Napoleon grants to his press; and, why should he not? He would be a fool indeed if he cared what authors said of *one another* and of *one another's books*. It may be an amusement to him to witness their quarrels; and, in this way, the press may be, with the public, as useful as a puppet-shew, or any thing else that serves to produce a momentary oblivion of their cares and their sufferings. All that Napoleon forbids his press to do, is to meddle with him, his government, his army, his navy, or any of his family, That is all. The press may *praise* all these indeed; it has full *liberty* to do that; but, it must neither *censure* nor *ridicule* any one of them; it has no liberty to do that; and it is honestly told so; there is no sham in the case; no delusion; no talk about liberty of the press; those who write and publish are plainly told, that if they meddle with these matters, they shall be punished; and accordingly, they do not meddle with them, nor are they guilty of the base hypocrisy to *pretend* that they have a free press.

It must, I think, be quite evident, that, if censure and ridicule, if exposure of vice and folly, if depreciating talents or character, were to be allowed only in cases where the party assailed was the author of a book, or a public writer of some description, the *liberty* of the press could, at the utmost, effect no other good object than that of counteracting the vices and follies of the press itself; it could not possibly produce any balance in favour of the press, which, in that case, could, as far as related to *freedom*, be of no possible use. Suppose, for instance, that I write a book, containing principles subversive of the constitution, and that some critic exposes both me and my book to such contempt, that the book is at once destroyed and my reputation is ruined. I am rightly served, and the critic is, it now would appear, not exposed to the fangs of the law; but, it would be quite silly, upon an occasion like this, to boast of the liberty of the press as a public good; for, supposing

the critic to have completely succeeded, all that he has done is to place matters where they were before, and *where they would have remained if no press at all had existed*. You very judiciously cited the instance of Mr. Locke and sir Robert Filmer, and observed that the former did great good in writing down the latter; though, between you and I, I much question, whether, if Mr. Locke lived in the present day, he would be much of a favourite. But, what mighty thing did Mr. Locke do here? He answered sir Robert Filmer; he put him down. I doubt the fact; for Filmer's principles are much more in vogue than those of Mr. Locke. But, admit the fact, all that Mr. Locke did, with the aid of the press, was to prevent sir Robert Filmer from doing *harm* with the press. Between them the press, at the very best, could do *no good*, and it might do some harm. Who would not think a man foolish, aye, "the greatest fool that ever walked the earth without a leader," who should keep a fox in his poultry-yard, and a dog to watch the fox; and who should boast of the valuable services rendered him by the dog? "Why, you stupid ass," his neighbour would say to him, "for what do you keep either dog or fox; why not hang them both up at once; and give to some really useful animal the food by which they are sustained?"

I shall be told, perhaps, that the press is of great public utility independent of this sort of use of it. That it communicates a great deal of knowledge to the public at large, which would, were it not for the press, be confined to the possession of comparatively a very few persons. This may be true; but, this is not our subject. We are talking about the *liberty* of the press. It is not the right to write and to *print* and to *publish*, upon which I am taking the liberty to address you, but the *right to censure and to ridicule*, by the mighty means of writing and printing and publishing. There are a multitude of books, as connected with which the *liberty* of the press has no meaning. In lifting up my eyes, the first books I see before me, are Marshall's Gardening, Pontey's Pruner, Bonycastle's Algebra, Code Diplomatique, Vauban's Fortification, and Daniel's Rural Sports. Why, my lord, the *liberty* of the press has no more to do with books like these than it has to do with the making of shoes or the blacking of shoes; and, as I have, I think, pretty clearly shewn, that it is to prove oneself void of even common

sense to set a value upon the liberty of the press, if that liberty is to extend no further than the censuring or ridiculing of productions of the press itself, there must, it appears to me, be another meaning attached to this word *liberty*, as connected with the press. By the word *liberty* we always conceive a something, to which there are some persons who have a dislike. When we talk of securing our liberties, we should talk downright nonsense, if our hearers did not suppose, that there were some persons, somewhere or other, who were likely to be enemies to those liberties. The two ideas are inseparable. You cannot talk of liberty, without supposing the fear, nearer or more distant, of slavery. What other sense is there in the word liberty? Why talk about any such thing? In short, political liberty has these two meanings; *freedom from oppression*; and *the legal right of doing certain things which may be displeasing and even injurious to others*. The great end is freedom from oppression; but, to secure this, it is indispensably necessary, that men should be legally protected in doing certain things that may hurt the feelings and injure the fortunes of other men. This implies a natural and a necessary opposition of interests as well as of feelings. One part of the community are necessarily opposed to another part; and, are we to be told, that if one part *feel wounded* at the censure or the gibes of the other, that the latter is to be liable to legal punishment. All our notions about the liberty of the press, the whole history of it, tell us, that it means a legal right, in any man, freely to examine, in print, into the character, talents, and conduct of any other man (especially if that other be in a public situation,) and, if he please, to censure or ridicule such character, talents, or conduct. It has now been decided, that this is the meaning, as far as relates to authors and their works, but, I have, I think, proved, that if this be all, the liberty of the press could not possibly be of any public advantage, and that to boast of it would be to hold ourselves up to the scorn and contempt of the world. The press is daily boasted of as the great instrument in the cause of political and religious freedom. But, I am in a fever to know *how it can possibly be so*, if writers are to be punished every time they hurt the feelings of another man? To the press is ascribed the reformation of the church in this kingdom. Now, do you not think that the authors of that day hurt the feelings of the monks and friars, whose tricks they

exposed to the deluded people? Well, then, if those authors had been legally punished the moment they began their exposures, do you think that the reformation would ever have taken place? Nay, is it not impossible that it should have taken place, through the means of the press, or, that the press should have at all contributed towards that great and memorable event? "Aye, aye, very true," some precious speculating, corrupting, double-distilled knave may tell me, "but there is now no reformation wanted; there is now no delusion, no trick, no hypocrisy, no humbug, going on, either in religion or politics." Well then, if this be the case, of what can any body be afraid? If there be nothing to expose, there can be no exposure. If all our ministers are wise and able, all our senators incorrupt, all our generals brave, all our priests pious, and all our princes exemplary in their conduct, how is it possible for any man to hurt their feelings by remarking upon their talents, their character, or their conduct? What a thing it would be for a government to say to the people: "You have a right to freedom, to secure your freedom it is essential that you should enjoy liberty of the press; by the liberty of the press you will check, in time, every encroachment on your freedom; but, *our feelings* must necessarily be hurt by a disclosure of the fact that we are making such encroachments, and, by the lord! if any of you hurt the feelings of any one of us, you shall be thrown into jail, and, perhaps, have your ears cropped off into the bargain?" What a thing would it be for a government to say this to a people? And what a people must that be, to whom a government would venture to say it? Is there a man in the whole nation who believes that the emperor Napoleon would dare to say such a thing to any of those nations, whom we, with perfect truth, call his slaves? No; even that master in the arts of tyranny would not, at the head of his army, tell the most crouching of his slaves that they had *liberty* to do that for which, if they did it, he would chop off their ears and make them end their days in prison. This is a pitch at which no openly avowed despotism ever yet arrived.

In certain observations which, upon this subject, I offered to my readers at page 271 of this volume,* I stated, that, as to the injury which is done to any one by exposing

him to ridicule, it ought to be considered as no objection to the ridicule; because, the injury to him might be a great advantage to the public. I was much pleased to see this stated by you, who described it in the case in question, as a damage which the law did not regard as an injury. You said, that it was a damage which the exposed author ought to sustain; that the critic had taken from him gains and reputation to which he was never entitled; and that, though it was a damage to him, it was, as in the case of Sir Robert Filmer, a great advantage to the public. You did, indeed, clog this excellent doctrine with the words *author* and *literary work*; and, in the charge, you observed to the jury that neither they nor you had appeared before the world, in the character of an author, or at least, that you never had; which observation came immediately after you had been laying down the right to censure and ridicule *authors*. But, we shall find, I think, from the *reason*, upon which this right was founded by you, that the right must *apply to all other persons* as well as to authors. The doctrine was this: men have a right to expose and to ridicule published works and the authors thereof as far as connected with such works; they have a right to proceed so far as totally to destroy the reputation and the means of livelihood of such persons; and, instead of being legally punished for it, are entitled to commendation. Now for the reason why: because, if this were not the case, bad morals and bad principles of government and other bad things might be taught, and might be established and perpetuated, to the great and lasting injury of the public. Well, then, censure and ridicule, through the means of the press, is here justified, because they are useful in preventing injury to the public. That is the reason why they are to be tolerated, and even highly commended; and, it appears to be utterly impossible for the most ingenious man alive to assign a reason why the press should not be employed to censure and ridicule those acts of *other persons*, as well as of authors, which tend to produce an injury to the public. It is but a very small part, comparatively, of public mischief that proceeds from the press; the far greater part of it comes from those who have the miserable press under their controul; and shall not they be exposed as well as a poor silly writer of travels? My lord Mountnorris, who very wisely read the Knight's book previous to the purchase

of it, was, by the "Pocket Book," induced not to complete the purchase. Now, if I should hear that it was intended to make a commander of some stupid fellow who was also a coward, would it not be right in me to expose his stupidity and his cowardice, and thereby prevent, if I could, his being made a commander, and his bringing injury upon the public? Suppose me to see a man appointed to any office, who, in my opinion, is totally unfit for it, and who, of course, must produce an injury to the public by remaining in it; should I not, upon the principle laid down by you, have a right to censure and ridicule him, to endeavour to bring others over to my opinion, and thus to put him out of his office, and to destroy that false reputation, by the means of which he obtained it? Yes: I am sure you will, and must, say yes; for you must perceive, that the higher the office, the more necessary it is that it should be faithfully and ably served. What was the work of this wretched knight? What was it to the public whether his trash continued to be circulated or not? Mr. Garrow, who seems to have been almost in as piteous a plight as his client, told the jury that Sir John had not meddled with politics, or parties. I'll be sworn for the poor soul, that he had no earthly object in view other than that of gaining a comfortable livelihood; and, his works could not have made a very great noise in the world, as even the bare name of them or their author never reached me, until I read the account of the trial. Now, of what importance was this work to the public? Not a millionth part of so great importance as one single word in any one of the dispatches or proclamations or speeches of any one of the ministers; and, if we are not *freely* (that is to say without being liable to be tried for it) to censure and ridicule them, when, in our opinion, they merit it, of what service is it to the public that men of sense and wit are allowed to fall upon a poor defenceless thing like Sir John Carr? Would it not be a sad mockery to call that *liberty of the press*? Liberty of the press means liberty of opposing, as far as the press will go, the views of those who are in power. It has been called "an arm in the hands of the people," it has been called "the guardian of freedom;" but, how in all the world is it to guard freedom, if it be allowed to touch nothing but acts like those of poor Carr?

I trust, that the consequence of this trial will be, a right way of thinking with regard to the use of the press. You have got through a great part of the difficulty, and I am confident, that another decision or two of this sort, will make the rogues and fools shy of courts of law. Their pretensions were at war with nature. All honest men hate rogues, and all men of sense laugh at fools. It always has been so; and it ought always to be so. It is the only means of preventing roguery and folly from becoming predominant.

I am, &c. &c.

WM. COBBETT.

OFFICIAL PAPERS.

ISLE OF FRANCE.—*Dispatch from Maj. Gen. Abercromby.*

(Continued from page 544.)

Many of the articles appeared to Vice Admiral Bertie and myself to be perfectly inadmissible; but the French Governor having, in the course of the same day, acceded to our terms, a capitulation for the surrender of this colony and its dependencies was finally concluded.

Your Lordship will perceive that the capitulation is in strict conformity with the spirit of your instructions, with the single exception, that the garrison is not to be made prisoners of war.

Although the determined courage and high state of discipline of the army, which your Lordship has done me the honour to place under my command, could leave not the smallest doubt in my mind in respect to the issue of an attack upon the town, I was nevertheless prevailed upon to acquiesce in this indulgence being granted to the enemy, from the desire of sparing the lives of many brave officers and soldiers, out of regard to the interests of the inhabitants of this island having long laboured under the most degrading misery and oppression, (and knowing confidentially your Lordship's further views in regard to this army) added to the late period of the season, when every hour became valuable; I considered these to be motives of much more national importance, than any injury that could arise from a small body of troops at so remote a distance from Europe, being permitted to return to their own country, free from any engagement. In every other particular, we have gained all which could have been acquired, if the town had been carried by assault.

During the course of this short service, the enemy has not afforded an opportunity to the army in general for displaying the ardent zeal and animated courage, with which every individual is inspired; but it is nevertheless my duty to represent to your Lordship in the strongest terms the merits of every corps under my command. The officers and men (European as well as native) have cheerfully and patiently submitted to the greatest fatigues and privations. During the advance of the army, the troops were unable, for the space of twenty-four hours, to procure a sufficient supply of water, but this trying circumstance did not produce a single murmur, or the smallest mark of discontent or disapprobation.

I feel myself particularly indebted to Lieutenant Colonels Picton, Gibbs, Kelso, Keating, M'Leod, and Smyth, who commanded the different brigades, as well as to Major Taynton, the senior officer of the artillery, of whose services I was deprived by a wound which he received on the day the army occupied a position before this town.

Although I have every reason to be satisfied with the zeal of the heads of departments, I feel it a particular duty incumbent upon me to express in the most pointed manner the obligations which I owe to Dr. Harris, the superintending surgeon, and to the medical staff in general, for their unremitting attention, in discharge of the important duty reposed in them.

I have received every assistance from Lieutenant Gregory, my military secretary, and the whole of my personal staff.

To Major Caldwell, of the Madras Engineers, and who accompanied me from India, I am indebted for the most able and assiduous exertions. Since his arrival amongst these islands, he has been indefatigable in procuring the necessary information, in respect to the defence of this colony; and through his means I was put in possession of an accurate plan of the town, some time previous to the disembarkation of the army; and I trust your Lordship will permit me to recommend to your Lordship's protection this valuable and experienced officer.

It is not in my power to do justice to the merits of Major General Warde; I have on every occasion received from him the most cordial co-operation and assistance; and during the short operations of the army, he was constantly at the head of

the column, directing the advanced guard, and animating the soldiers by his personal example.

The most perfect harmony and cordiality have subsisted between the Navy and Army; and I have received every assistance from Vice Admiral Bertie, and the squadron under his command.

The arrangements connected with the disembarkation were conducted in the most able and judicious manner by Captain Beaver, of his Majesty's frigate *Nisus*; and during the subsequent operations of the army, I am indebted to him for his unremitting attention and assiduous exertions in landing the necessary stores and provisions.

To Captain Briggs, of his Majesty's ship *Clorinde*, and to Capt. Lye, of the *Doris*, who were employed under the orders of Capt. Beaver, my most grateful acknowledgments are due for the services they performed, as well as to the officers and seamen under their command.

A body of seamen was landed from the fleet, under the command of Capt. Montague; the exertions which were used to bring forward the guns through a most difficult country, were such as to attract the admiration of the whole army; and fully entitles Capt. Montague, Lieut. Lloyd, of the *Africaine*, and every officer and sailor, to the encomiums I can pass on their conduct.

The battalion of marines, under the command of Capt. Liardet, supported the reputation of this distinguished corps.

This dispatch will be delivered to your Lordship by my Aid de Camp, Lieut. M'Murdo, of the Bombay Establishment, who will afford your Lordship any further information you may require respecting the late operations of the army.

I have, &c.

(Signed) J. ABERCROMBY, Maj.-Gen.
(True Copy.)

A. E. GREGORY, Military Secretary
to the Commander of the Forces.

Return of the Killed, Wounded, and Missing, at the Attack of the Isle of France, on the 30th of November and 1st and 2d of December, 1810.

Head Quarters, Camp before
Port Louis, Dec. 4, 1810.

Artillery—1 Major, 1 rank and file, wounded.

EUROPEAN FLANK BATTALION.

12th Foot—4 rank and file killed; 2 Lieutenants, 3 Serjeants, 23 rank and file, wounded, 2 rank and file missing.

14th Foot—1 rank and file killed; 2 rank and file wounded.

33d Foot—1 Lieutenant Colonel, 1 Serjeant, 1 rank and file, killed; 1 Serjeant, 12 rank and file, wounded.

56th Foot—3 rank and file, killed; 1 Lieutenant-Colonel, 2 rank and file, wounded; 2 rank and file missing.

Three of the rank and file missing, supposed to be killed;

EUROPEANS.

12th Foot—1 Major, 1 Drummer, 1 rank and file, killed; 5 rank and file, wounded; 3 rank and file missing.

22d Foot—4 rank and file, wounded.

59th Foot—1 rank and file, killed; 4 rank and file wounded.

84th Foot—9 rank and file, killed; 1 Lieutenant, 1 Serjeant, 1 Drummer, 19 rank and file, wounded; 1 Drummer, 3 rank and file, missing.

89th Foot—1 rank and file, wounded.

Royal Marines—2 rank and file, wounded.

NATIVES.

Madras Flank Battalion—1 rank and file, wounded; 1 Drummer, missing.

1st Bengal Volunteers—1 Native Officer, 13 rank and file, missing.

2d ditto—17 rank and file, missing.

Madras Volunteer Battalion—1 Havildar killed; 3 rank and file, wounded; 2 rank and file, missing.

2d Detachment of 2d Bombay Native Infantry—1 Havildar, killed; 2 rank and file, wounded.

Madras Pioneers—2 wounded.

Total—1 Lieutenant-Colonel, 1 Major, 1 Serjeant, 2 Havildars, 1 Drummer, 22 rank and file, killed; 1 Lieutenant-Colonel, 1 Major, 3 Lieutenants, 5 Serjeants, 1 Drummer, 81 rank and file, 2 Pioneers, wounded; 1 Native Officer, 2 Drummers, 42 rank and file, missing.

N. B. One seaman killed and five wounded, not included above.

(Signed) W. NICHOLSON, Dep. Adj. Gen.

NAMES OF OFFICERS KILLED AND WOUNDED.
KILLED—Lieutenant-Colonel Campbell, 33d Regiment. Major O'Keefe, 12th Regiment.
(To be continued.)